

IC 34-17-2

Chapter 2. Filing of Information and Summons

IC 34-17-2-1

Filing of information

Sec. 1. (a) An information described in IC 34-17-1-1 may be filed:

(1) by the prosecuting attorney in the circuit court of the proper county, upon the prosecuting attorney's own relation, whenever the prosecuting attorney:

(A) determines it to be the prosecuting attorney's duty to do so; or

(B) is directed by the court or other competent authority; or

(2) by any other person on the person's own relation, whenever the person claims an interest in the office, franchise, or corporation that is the subject of the information.

(b) The prosecuting attorney shall file an information in the circuit court of the county against the county assessor or a township assessor under IC 34-17-1-1(2) if:

(1) the board of county commissioners adopts an ordinance under IC 6-1.1-4-31(f); or

(2) the city-county council adopts an ordinance under IC 6-1.1-4-31(g).

As added by P.L.1-1998, SEC.12. Amended by P.L.146-2008, SEC.678.

IC 34-17-2-2

Annulment or vacation of certain documents; procedure

Sec. 2. (a) An information to annul or vacate any letters-patent, certificate, or deed described in IC 34-17-1-2 may be filed by:

(1) the prosecuting attorney, upon the prosecuting attorney's relation; or

(2) a private person, upon the person's relation, showing the person's interest in the subject matter.

(b) The subsequent proceeding, judgment of the court, and awarding of costs must conform to the requirements of this article and the letters-patent, deed or certificate shall be annulled or sustained according to the rights of the case.

As added by P.L.1-1998, SEC.12.

IC 34-17-2-3

Information to recover property

Sec. 3. (a) Following forfeiture or escheat of property as described in IC 34-17-1-3, an information may be filed by the prosecuting attorney in the circuit court for the recovery of the property, alleging the ground on which the recovery is claimed.

(b) Proceedings and judgment are the same as in a civil action for the recovery of property.

As added by P.L.1-1998, SEC.12.

IC 34-17-2-4

Contest for office; single information against several persons

Sec. 4. When several persons claim to be entitled to the same office or franchise, one (1) information may be filed against any or all persons making the claim, in order to try their respective rights to the office or franchise.

As added by P.L.1-1998, SEC.12.

IC 34-17-2-5**Contents of information**

Sec. 5. The information consists of a plain statement of the facts that constitute the grounds of the proceeding, addressed to the court.

As added by P.L.1-1998, SEC.12.

IC 34-17-2-6**Usurping office; procedure**

Sec. 6. (a) This section applies to an information filed against a person for usurping an office.

(b) Whenever an information described in subsection (a) is filed by the prosecuting attorney, the prosecuting attorney shall also set forth the name of the person rightfully entitled to the office, if any, with an averment:

- (1) of the person's right to the office; or
- (2) that no person is entitled to the office and that a vacancy in the office will result.

(c) When an information described in subsection (a) is filed by any other person, the person shall state the person's interest in the matter and any damages the person has sustained.

As added by P.L.1-1998, SEC.12.

IC 34-17-2-7**Summons and answer**

Sec. 7. Whenever an information is filed, a summons shall issue, which shall be served and returned as in other actions. The defendant shall appear and answer, or suffer default, and subsequent proceedings are the same as in other cases.

As added by P.L.1-1998, SEC.12.